

<p style="text-align: center;">PLANNING BOARD MINUTES May 5, 2003</p>

Members Present: Helen Lemoine, Ann V. Welles, Carol Spack, Thomas F. Mahoney, Laurence W. Marsh

Also present: Jay Grande, Planning Board Administrator

I. Miscellaneous Administrative

99 Winter Street

<First part of tape is completely inaudible, member(s) are speaking, I think from the audience> **(Ann)** It comes down to 2 issues for me: on a technical level, if you are going to approve the planted lot lines, one of which cuts through the existing driveway that would require an easement then I would want to anyplace, either in proof of it in the ??? or alternately, that Engineering will state that they will ??? to the existing house, which I believe is in doubt because it's so close to the corner of Winter and Winter Lane. I'd like say secondarily that while I recognize the pressures on all of us to harvest the economic value of our land, this kind of lot I find very difficult to approve of and it is yet again a failure of... <moving of papers, inaudible> there really is no frontage there. They are taking the frontage from one lot away in order to give frontage to the other lot. If you allow the frontage <inaudible> front of a building, I believe a long time ago we said that we don't like <inaudible> for that kind of lot where there is not frontage in front of the building and this is a good example of that. So I go on record not liking this particular configuration. <Somebody in the audience is speaking, but it is completely inaudible> **(Jay)** We will reschedule for next Tuesday at 7:30 again.

II. Public Hearing for Modification to a Scenic Road and Public Way Access Permit, 1057 Grove Street.

(Janice Honnet) This was filed in January, the extent of the stonewall over the snow??? but it was difficult to determine. Jay and Ann Wells have been out there to look at it. <moving of papers, inaudible speaking> **(Ann)** <inaudible> The condition of the wall is ??? and not necessarily easily readable as walls ???? and there is not an opening. The stones that are in there are gray, a large tree has fallen over, there is a crater behind it and at the time I went out there and looked the second time and met with Janice it confirmed my opinion that there is one opening in the stone wall. Given that there is one opening in the wall which his about ??? for the driveway and if the lot is deep enough and it was my experience coming out of there that a site line difficulty and a driveway just the right of the existing opening, I find it unnecessary to allow for a second opening which would require removing stones. I think that is against what the By-Laws asks us to preserve. **(Jay)** That was the crux of the reason why we continued the hearing. <inaudible>

III. Public Hearing for Special Permit for Mixed Use Development, Kendall Building. (To be continued)

<Completely inaudible>

(Ann) So the 4 stories is based on how many parking spaces per unit and how many ground space is regular ??

<speaker> The parking garage is based off of 1.25 spaces per unit and it's also based upon an office component of 25% or more and have an alternating track record so when people during the weekday are at work they will have constant 1.25% and then after hours, 5:00, and on weekends they will probably have up to 4-5 spaces per unit to do what they need to do in there.

(Ann) And that would be the .75 checking back in. So if you weren't doing the alternating use of spaces, the total number of spaces required for the uses you have and propose would be how many?

<speaker inaudible>

(Ann) That also includes using the at grade spaces? Correct. It would be the 625 we have down there is basically 2 per unit and with your office component. It's just as I explained before, the garage with 4 stories would have an extra 2 decks on top of it. <inaudible>

(Ann) I guess what I'm asking is numbers wise, what is the total reduction in parking space that you are asking for?

<speaker inaudible>

(Ann) And then my understanding is if it's built on 4 stories it would still be structurally capable in the future to carry 2 more decks.

(speaker) Correct.

(Larry) <inaudible>

(speaker) What we wanted to do tonight was get the stand up garage to???? so that we could finalize our architectural ??? and then just go over a broad view of what we wanted to talk about the Special Permit in general and then we would come back in another meeting for the final ??

(Larry) ??? Could you give us the overall parking space requirements for the entire complex? What was originally approved? On the same subject, have we had any input what the car situation is in the area because I know that at one point in time we had difficulty with Lifeline because they had a few cars and there wasn't a whole lot of parking available. **(Jay)** There is a parking study that was done by Rizzo Associates, in the last 3 years. **(Larry)** After Lifeline? **(Jay)** I believe it was after Lifeline. **(Larry)** I'd like to have some idea of what the neighborhood situation is in regards to parking to at least give us some input. **(Jay)** It shows a surplus but the issue is different landowners had some of that parking.

(woman) At 4 stories, if you can tell us how many extra spaces you plan on having over and above what you need. <inaudible>

(Ann) The garage is like....it's 105 spaces a floor, 105 or 109, depending on where you are, so the total would be something like 420, give or take, 425 maybe. I'm just looking at the Planning Department's memo where it talks about the possibility that a parking structure may need to be modified to ensure that adequate parking available for residents

and they suggest a “Residents Only” keycard automated gate. Is that a modification, in talking about the exterior skin tonight, would be effective?

<speaker> I have put together a memo that each one of the ????? that is a possibility. It’s part of our design in the parking garage ??? and those designated spaces will be there 24/7 and they will be isolated from the office component of the project.

(Ann) I assume there is going to be handicapped parking both at grade near the units and also in the garage with the required van accessible.

<speaker> Correct. The first floor of the garage will be a handicapped component and then in front of each building, which has already been confirmed, the necessary parking spaces which are actually under handicapped for the office component which is graded the actual resident component. <I realize this sentence makes NO sense, but I can’t summarize because this is exactly what he said and I have no idea what he is talking about>

(Ann) What kind of supervision do you anticipate for the garage? Are you going to have a grounds person cruising through once a day, once a week keeping an eye on things and also monitoring the handicapped spaces?

<speaker inaudible>

(Larry) Could you just clarify – on the residential component, are people having identified and designated spaces? So how many apartments?

<speaker inaudible>

(Ann) And are the residents going to have spaces lower or higher in the building.

<speaker> Lower.

(Jay) We need comments from Public Works and Engineering. I know we got them during Site Plan Review a few months ago, but we do need to get confirmation that they have received the plan and that they don’t have any additional issues. Engineering did see this with the underground drainage system basin.

<inaudible, tape ends>

<inaudible>

(Jay) I think if we can get some sort of consensus vote on each step of the way, it will move us closer to getting to some of the issues.

(Helen) Do Board Members have any other questions on ????? the garage? No. No.

<inaudible>

(Jay) Did everyone say ‘yes’ on the architecture? Ok.

<inaudible>

(Jay) Well, we got an overview in a table format of the various build-outs and area-outs. I think we can reissue that document which will.... During the previous review, the applicant provided to the Board various build-outs and area-outs. That was not in conjunction with the zoning change as well as with the prior Site Plan Approval. I believe that information will be reproduced to the Board if you need that information. It was a very detailed table and I think that lays out on the table those various options. I also understand the Board has a prior special permit approval for the project in terms of reduction required number of parking spaces. What I can do is reissue that document so that we know what the baseline is for the office development. I’m going to try and recall that the office has the greatest parking demand out of all the uses shown, so I believe we developed a special permit for reduction in parking based on a full office development

proposal so anything we do here on out within the context of that, unless we find differently as we go through this review.

(Larry) I'm just questioning the process, do we have to reopen the Public Hearing for Special Permit for Reduction of Parking? **(Jay)** I think we need to investigate, I don't necessarily think we do, but I'm willing to look into that more closely.

<speaker> Permits are still needed to build the 6-story parking garage ??????

(Larry) So, your assumption is that you would keep the right to build 6 and then ask us to only build 4 but get an occupancy permit for 4?

<speaker> Basically we are going to go through this on a building by building basis. As we go through the building by building basis, the actuality of the physical needs down there, will more come into play and what the long term ranges are in the actual capacity ????

(Larry) I'm not questioning the logic; we just need to take a look at the legal process required to go through this. **(Jay)** Under the Mix Use Complex Special Permit in that whole permitting process, there is the waiver process for parking, so maybe we can revisit the whole thing at the next meeting. **(Ann)** So, you are not anticipating it going fewer than 4 stories? **<speaker>** No. **(Ann)** Can I suggest a Second Motion that says in the event that the number of stories is increased, that there be additional architectural review to say that the increase is consistent with the 4 we just said was okay. In other words, so we don't suddenly have something that is equivalent to, I'm exaggerating, McDonald's put on top of a lovely 4-stsory garage. **(Larry)** I don't think we got the Motion that it was 4-stories was for the architectural materials. We can't deal with just 4-stories because we have a 6-story approval. We just passed a Motion for the materials. **(Ann)** Ok. **(Helen)** It's just so that we don't have to come back here and revisit this. That we've all agreed. Any other questions?

<speaker> While we are talking about a Special Permit and waiver, one of the things we will have to address is that the Mix Use guidelines requires a certain number of square feet per space on the site for parking. Obviously we knew for a very long time that wasn't going to be a possibility ????. And so we will need a waiver for that particular development ????

(Larry) <inaudible>

<speaker inaudible>

IV. Public Hearing for Modification to a Scenic Road and Public Way Access Permit, 1057 Grove Street.

(Jay) I would just like to reiterate for the record that both Ann and myself have conducted a site visit and looked at the site lines in the area and I think it is fair to say that the site lines were adequate for a site stopping distance. We also looked at the principal issue that still remained which is one point of access vs. two. As you know, the proposal is for a circular driveway with 2 openings onto Grove Street and I think based on the site visit, the thinking the By-Law calls for one and that is what should be permitted here vs. the 2 openings. You do know from the applicant's representative, Janice, that there is some concern with the driveway width and the utilization of that driveway opening for the types of vehicles that may be going in and out of there, mainly farm equipment. **(Larry)** We are basically reviewing what we did before, and I'd like to

make a few comments for the record. **(Ann)** What I said earlier is that having visited several times, but the last most notably with Janice and with Jay, I felt very strongly that the 2nd opening that is being proposed is not an existing opening in the wall, that the one to the right as it appears on this plan, is absolutely an opening, and that the other proposed opening was just a weakness in the wall but the stones are still there, it's not in very good repair. I thought we should just let this application to just the single existing opening. In short, I don't feel we should approve. I certainly wouldn't approve of a second opening there. I had some questions in addition to that, before moving forward. What would the proposed opening width be for the existing one, are you going to leave it as is or are you going to make it wider?

(speaker) <inaudible>

(Ann) And were you going to create endings for those, so that we'd be dismantling the stones in the walls and rebuilding them to maintain the 16 foot opening?

(speaker) Yes. We would have ???? basically the same type of finish and film and we'd be adding stuff to have ???

(Ann) The end points were to be constructed how?

(speaker) We would have a section of wall similar to what is there would be slightly higher than the existing wall so that you could... ??? an access point.

(Ann) I'm assuming that calls for some sort of concrete.

(speaker) ????? use a minimum, like a drywall type of construction, so you would not see the metal sticking out.

(woman) I would suggest that we require that there be no visible cement with the possible exception on the top of the wall where you could put a rain cap essentially, but even that probably shouldn't be a lot. But that is fine with me as long as it isn't visible, essentially with the farmer's wall there.

(Helen) <inaudible>

(speaker) <inaudible>

(Ann) The By-Law calls for 12 feet, and then you are allowed to take the opening back to 3 ft to either spot.

(speaker) We are working with an existing opening, we are not proposing to break or ????

(Ann) What about the possibility of putting a gravel skirt? **(Jay)** A 2-foot gravel edge on either side, graded slope.

(speaker) That would probably be good.

(Jay) So, 12, 2 and 2, so that's....**(Ann)** And then dry look even though there is internal concrete?

(Carol?) <inaudible>

<inaudible talking>

(Helen) Any other questions? There is none. There are 2 Motions we will need: first is the modification of the scenic road and the second is the public way access. **(Jay)** 4 Board Members can vote on this, it was open on February 4.

(Tom) I move that the Planning Board on the application of the revised Plan for Approval of Modification of the Scenic Road at 1057 Grove Street with the proviso that the Board Approve the single 16 ft opening with 12 ft gravel shoulders subject to a revised plan being submitted with those conditions. **(Helen)** There is a Motion. Is there a 2nd? **Motion seconded by Ann Wells.** **(Helen)** Any further discussions? **(Jay)** I had a

point of clarification. What I wanted to discuss with the Board that since this is the first scenic road going through the new process, does it behoove us to have Ann and I draft a 'draft decision document' that we can use as a model for the future? I understand that we are trying to move things on this one, because it seems like they are willing to comply with what we've requested with the elimination of the entire driveway opening, but maybe Ann and I can work on a draft decision so that we can see how we like that format for the future, since I think we are going to get quite a few of these. **(Ann)** I have a question before we vote. Because the last time we started the hearing earlier and we asked for public comment then, did we ask for public comment this time? **(Helen)** We have a Motion and a 2nd for discussion, all those that care to speak, any comments? **(speaker)** Question about a Building Permit?

(Jay) We don't mix jurisdictions. What will happen in the process is the Building Department will send over a Request for Sign Off on the Building Permit and the only way I would be authorized to sign off on the Building Permit is if a decision had been filed with the Town Clerk, the appeal period had run its 20 days and at this point, I've received no request from the Building Department to sign off on any Building Permit. In terms of Conservation Commission, they are an independent commission and they will not be bound by this Board's decision. So I think in terms of process, the Building Permit process is a separate one, which I plug into at a later date. If the Board were to approve this, there is still a whole other review of that Building Permit when it comes in to make sure that it complies with the Board's decision, vs. us complying with theirs.

Q&A with audience members, (mostly inaudible)

(Tom) I'd like to withdraw my Motion and Move to continue the Public Hearing to a future date. **(Ann)** I withdraw my 2nd. **(Helen)** All those in favor? Yes. Yes. We will continue this Public Hearing. **(Jay)** Ann and I will give some further thought to the issue of Building Permits.

(Helen) Public Hearing for Definitive Subdivision Plan, Modification to a Scenic Road and Public Way Access Permit, The Sanctuary at Hop Brook, Edmands Road, is to be continued on Tuesday, June 20 at 8:00. The 8:30 hearing scheduled for tonight Public Hearing for Special Permit for Mixed Use Development, Kendall Building will be continued on Tuesday, June 20 (Helen is really difficult to hear, and I thought she said May 20) at 8:30.

V. Occupancy Permit, Kohl's

(James Hanrahan, mostly inaudible) Kohl's is presently opened under a temporary occupancy certificate... ??? All the work on the site... ??? <inaudible> we're going to ask for an extension of 2-3 weeks...???<inaudible>

(Jay) The totally mitigation, as I recall, is \$50K and the decision that Board would consider redirecting that. We did consider that several months ago when we were talking about Memorial Square and we were talking about allocating a certain portion of those funds towards that project to implement some of the requested change orders from DPW and from the architect and others in the Municipal Offices, so the upset number on that

would be \$40K. **(Ann)** And that would be the remaining \$10K? **(Jay)** That is correct. That would go to some additional request for sidewalk construction, road paving, additional drainage work, some additional curbing and handicapped access. These were adjacent to the project, not specific to the project, but things that since they were out there <end of tape>...has been \$21K. Because it's a downtown location and heavily congested, it usually requires 2 police detail. This additional work, some of which will be in the public right of way, will require some additional outlays on police, I would imagine another \$6K, so I just want to give some indication to people there are a lot of 'soft costs' involved in these types of projects, which we are all becoming very familiar with. **(Larry)** What is the total so far? **(Jay)** In terms of the downtown Memorial Square project, there was a direct allocation of \$356K, that was money originally from the TJX project and that \$356K has basically done the improvements to date, which will include when they are finished: the decorative brick design for the plaza, the expansion of the plaza, some drainage work, some repairs to utilities, electrical street light bases, roadway grinding and paving, crosswalks, additional brick aprons and the traffic islands and the landscaping will be funded separately. That is the base \$356K ~ that also includes the pavement markings and the striping. In terms of other costs that the Board will be paying for mitigation, but not necessarily for Kohl's is landscaping, irrigation, and design of land ~ that is about \$30K of landscaping. I didn't mention parking meter relocation, there are a while bunch of things. I think you could add another \$75K when you include the landscaping and this allocation for road improvements. **(Larry)** Approximately \$430K. **(Jay)** Yes. **(Helen)** Jim is looking for an extension of the temporary until....<inaudible>, I think he says July 15> **(Jay)** Have we had a 593 performance review yet? <Jim> No, the primary reason.....<inaudible> **(Jay)** I would like to do the landscaping as soon as possible. <Jim inaudible>-**(Helen)** Motion to extend the temporary occupancy permit to provide....??? **(Larry)** I move. **(Helen)** Is there a 2nd. **(Tom)** 2nd. **(Helen)** Any further discussion? All those in favor?

VI. Occupancy Permits, Wal-Mart

(Jim Hanrahan) <Inaudible>...expires on May 15. There are several issues on that subject although the significance is clearly the landscape. The Board may recall that I was before the Board last fall, after??? There were a number of problems with the site but as of last week...<inaudible> It will probably take 2-3 weeks to get the process done...<inaudible> I would like to ask for a 90 day extension, sooner if possible...<inaudible> **(Larry)** What was the cause of the landscaping problem, was it workmanship? **(Jim)** <inaudible> **(Jay)** As long as the Board doesn't get stuck in the middle of a conflict between Wal-Mart and the landscaping contractor, we just want to see it get fixed, because it really is a mess out there. **(Ann)** In the interest of seeing it fixed, if the new landscape architect is coming through with a new plan, I'd like to see it and then look at it with the 593 Consultant. **(Larry)** If that is a concern, why not do a 60 day extension so that we can get a review of what the status is in case there is a problem? **(Tom)** I move to extend the temporary until July 15. **Motion 2nd by Larry Marsh.** **(Helen)** Any further discussion? All those in favor of the Motion? Voted 5-0. **(Jay)** The only other issue is the farmer's market. There is a Special Permit for reduction in parking. I just want to let you know that we did contact these people and say it's a Building

Commissioner jurisdiction in terms of that, there is a special permit for reduction of parking, so you need to deal him on those 2 issues.

(Jim) <Inaudible> **(Ann)** it's my understanding if we don't say something, the farmer's market won't be allowed because of the required number of spaces? **(Helen)** Correct.

VII. Continued Public Hearing, Definitive Plan Review, Modification to a Scenic Road, and Public Way Access Permit, Ford's Meadow, 45 Nixon Road

(Larry) I'd like to read a statement regarding application Definitive Plan Review, Modification to a Scenic Road, and Public Way Access Permit, Ford's Meadow, 45 Nixon Road the initial Public Hearing for the project was held on February 11, 2003. The Public Hearing was continued to March 4, 2003 with open testimony and then continued until March 19, 2003 again with open testimony and then April 23, 2003 continued with open testimony. The next hearing is scheduled for this evening, Monday, May 5, 2003. The Planning Board calls hearings on a conventional preliminary subdivision plan which was denied ...???? The Planning Board considers the Open Space???...on September 3, 2002. With regards to the ...<his voice is in extreme slow motion and is mostly inaudible>

(Jay) My understanding is that they were going to update us on the storm water and septic discussions they've had with both engineering and the BOH. In terms of Engineering, they have issued a letter, which will be made available to the Board, and that letter did raise some questions, that I did discuss with Stu, concerning dates of meetings that might not have been reflected in those review comments. I think there needs to be a follow-up discussion between the applicant and Engineering to make sure they are in concurrence with the meetings that were held and some basic information. Stu, since I was absent, can you recall from your notes? **(Stu)** <inaudible> **(Jay)** I do need to mention what Stu is talking about, I had a brief discussion, based on the request from the Town Engineer for review comments, and I was of the impression that a very rigorous but detailed review of this project was forthcoming for this evening, and I learned very early this evening that that was not the case and that basically through things into a tailspin because I think we are looking for that letter to go through with the applicant this evening. I did expect a detailed, rigorous letter on this project and it's not here unfortunately. **(speaker)** <mostly inaudible but talking about stuff they can go over tonight, even though it's incomplete. **(Carol)** <inaudible> **(Jay)** My understanding was that there were revised plans submitted so when I spoke with John I was confused by the response, because I know they had 2 meetings: one where I was asked and it was a Staff meeting and I was out of town and the second meeting was an Administrative follow-up meeting to the Staff Meeting and that is where some discussions. I know Bob Cooper reiterated he had reviewed these plans at those meetings. So, I'm at a quandary in terms of why there is this sense there aren't revised plans. **(Helen)** We've been waiting for this information for a very long time and I'd like to do something about it. This is not typical of the way the process works. **(Jay)** Usually there is a letter from Public Works where there is a Staff review meeting and it doesn't seem to have taken place. **(Helen)** I can't figure it out. We need to have it. **(speaker)** <inaudible> **(Jay)** Those are the plans I understand Cindy has, but John did not, and they basically work hand in hand,

Engineering and Conservation, so I don't understand the miscommunication. Engineering provides professional technical services to Conservation and there seems to be some disconnect there. In terms of the Thursday deadline, we did anticipate having that letter for public review in advance of the meeting and I was told it was forthcoming. I don't know. I apologize for the extent that I'm involved. **(speaker)** <mostly inaudible, something about a letter from the applicant> **(Helen)** Board members, would you like the applicant to give us some background information? **(Ann)** In the letter we did receive a copy of to DeShang Wang from the Executive Office of Environmental Affairs and it talks about that they are fine with us proceeding looking at this as if it is set up as a condominium and if there is public water. Am I missing something? There is no public water here and no one has said 'yes' or 'no' this is a condominium, and I'm really uncomfortable of looking at any of it until we get answers for these questions. I thought what we asked for last time was among the issue of getting plans and the refined drainage and all of that, was a clear answer of 'is this a condominium'? **(speaker)** <mostly inaudible, talking about the BOH and language> We were as careful as we could possibly be by checking ahead of time with the town making sure the language was acceptable before the question was even posed to the DEP. With that, I don't know how much more careful we could be. In reference to public water, we are in the process of receiving approval for public water supply. We had that conversation at the last meeting. It was a very rigorous, year long process with tremendous safe guards. **(Ann)** So, the well system is the public water? **(speaker)** Yes. **(Ann)** The next step then is that you want us to look at storm water drainage, presuming the septic is okay, and I believe we also talked at having a 593 Consultant brought in to make a recommendation. Where is that fitting into this process now? **(Jay)** The question was posed to me earlier, the response is there needs to be some confirmation from Engineering and BOH that the supplemental data and plans were submitted were now ready for 593 Review. The correspondence you received recently, the BOH agent Bob Cooper, has recommended that the Board move forward with hiring a 593 for the septic system. I anticipated that in the comments we received tonight from Engineering, there would have been a similar recommendation, either 'yes, we need a 593 or no we don't'. The concerns I raised to Stu were about the removal of pollutants from the detention basin and how effective these basins will be. Also, with Bob Cooper, this would include the well supply system. He has put this request on the table officially, which has not been the case today. And with engineering, I was waiting for some additional input on the storm water and the roads. **(speaker)** About 3 weeks ago, John Bertorelli, Bob Cooper and the hydrolysis met on the septic plans. Bob wanted to take those under review and advisement and then make a determination on whether he felt he needed a Consultant's report, which we were happy to provide. But it was just in the last week he came to that conclusion so we really haven't had the ability to jump that process. **(Jay)** I recommend going over the well and septic and the rationale for Bob's need to go for outside consulting, to help us develop a scope. **(speaker)** I can tell you about the well: we have identified a well site....the rationale for it being up here such a distance from everything else was because under the Public water supply DEP set of regulations...<mostly inaudible, talking about 2 wells, one as a test well to give preliminary data,...inaudible> **(Larry)** What about the quality of the water? **(speaker)** As I'm sure your Consultant will tell you, this is an extremely stringent set of criteria because this is public supply. By definition, it's not an individual well in a back yard.

Q&A with the Board Members

<I think they are going over the plans, but it is pretty much in slow motion and inaudible>

(Ann) So, the velocity studies show that there won't scouring to the edges of the riff-raff at all? In creating the swale, are you creating 2 parallel burns or creating a groove? So, there will be a depression of low grade. Where is that in relation to the septic? (speaker) <inaudible> Did we ever talk about the potential conflict between the septic field and the neighbor's well? (speaker) That's all been part of the septic study. We've been monitoring the site for 2 straight years, so we have a very good idea of how the water goes through that area. (speaker) <inaudible> (Jay) On the other side, you want to look at buffering. I know when the road was put in and clearing, I did get comments from one of the abutters, who are not present here tonight re: protecting their view shed. It needs supplemental planting so when the landscaping plan gets solidified, or in terms of buffering areas, I would ask you to look at that area closest to Fieldman's just to see what maybe done to mitigate that. (Ann) What circumstances that might arise now, might possibly change the configurations of the swales? Detention basins? (speaker) We may???? file a notice of intent with the Conservation Commission which is probably what you saw. We are scheduled for early June, so once we approve that process, basically we are bound to what is approved. (Ann) How are these houses connected? By what mechanical means and by what roots to the septic? I assume it's the central plant that then leeches out. (speaker) <inaudible> (Ann) Could you tell us what it comes down to condominium vs. our initial conversations about the septic being on it's own lot? (Paul) The reason we want to confer with DEP, we have proposed that the legal status of this would be a condominium so that all the lots have common ownership so there is no purpose in having the septic system or the wells on proposed separate lots. They all have common ownership....<People think condominium, one of a serious of multiunit buildings but you can also have condominiums in many cities and towns where they are detached, single family dwellings and that would be the case here. So a homeowner will get a....??? and basically own their house but the land itself will have a percentage....???in all of the land and facilities so there can't be any further..???> <inaudible> (Larry) If they are all one single lot, then how can they be 24? Wouldn't they be 1 lot? (Paul) It's multiple lots, but under the common ownership, common ownership meaning Condominium Trust. (Larry) Is the implication then that it will be treated like a condominium for other purposed too, like landscaping, in other words, it's going to have common ownership for everything? (speaker) Yes. (Larry) So the owner of a detached dwelling area won't have anything to say about the landscaping on my lot? (speaker) We are in the process of describing exclusive use areas adjacent to each resident and that will probably be areas of elevation. We are in the process of working that out that is another part of the landscaping discussion. <some discussion on the wetlands, mostly inaudible> (woman) <very hard to hear, questions on wells, i.e. location, and concern about problems with one vs. another> (Helen) <very hard to hear, question on why they couldn't do well testing and also about additional tree cutting> (speaker) <inaudible answer re: wells and thinks there will be no more additional tree cutting. (woman) Question about housing, location, common ownership and parking.

(**speaker**) <inaudible> (**Larry**) How many acres of Open Space are we talking about? (**Jay**) 19. (**Ann**) For the pumping station and the wells, the roadway that you'll need to maintain to have access for maintenance, is that going to be paved or unpaved? (**speaker**) Unpaved. There is no ongoing regular maintenance that takes place at those well heads only in the event of a malfunction. (**Ann**) The pumping stations are accessed how? (**speaker**) <inaudible answer, and then closing comments, end of tape> (**Jay**) I was going to ask Bob Cooper to give me some input he feels comfortable working with and I think that would weigh heavily in on the Board's decision on whom. I would like to work on this updated letter from Engineering. The BOH will need an extension to get past that date. (**Ann**) So, that will be the 593 report on the septic. Can we also get the opinion of Town Council on the compatibility of this being organized as condominium in the context of....??? I would like to suggest that you ask for a continuance if the septic 593 is NA and the opinion of Town Council is NA. What's the point of going on with landscaping if we don't even know if the septic is going to work? (**woman**) 593 re: septic, well, drainage... <inaudible comment> (**Helen**) If there are no other questions, this Public Hearing will be continued until 8:00 p.m. on Tuesday, June 17.

VIII. 405 Cochituate Road, Request for a Temporary

(**speaker**) <mostly inaudible> (**Ann**) Some background for the Board, Jay and I, Peter Sellers, Danny Now, and someone else, we have come to an agreement on a strategy for the median strips on Route 30 and the idea is to follow through with what DPW is working on for the aesthetic design and closest to Beacon Street, 126, and then to use what is left of the money from 405 Cochituate to replicate the same hardscape at the opposite end, the Mass Pike end of the median strip, and then to eventually connect the dots through various projects. We have settled on, finally, a much clearer vision on what the entire length of the median is going to be. (**Jay**) How many days temporary? (**speaker**) I assume 90 days would be sufficient. (**Jay**) There had been some thoughts on utilizing the mitigation that may remain and one of the concerns was is there anything left if we utilize \$35K for downtown improvements. I didn't understand the budget in terms of the traffic improvement, everything is kind of happening at the same time. (**speaker**) <inaudible comment> We are probably talking \$50K, if you want to use \$30K for the downtown, and same some reserve....<inaudible> (**Jay**) We originally envisioned the developer doing the work on the median strips concurrently with Burr Street. I think if we can get some consensus on what we want to do and how much we can do of that hardscape improvement for \$53K, what we are waiting for from GPI is the updated construction detail and updated unit cost for Option A and Option B and that will let us know how many linear feet of this hardscape can be installed. If that number gets us somewhere, obviously we will be looking for the applicant to help us construct those improvements along with the Burr Street. (**Larry**) If the applicant constructs it, you are responsible for getting it down regardless of how much it costs. My concern would be pulling out the money before it gets done if you want them to do it. (**Jay**) My mind is a fixed cost that I know I need to spend which is up to \$35K. (**Larry**) Did we write that in the covenant? (**Ann**) One, the scope of work has changed substantially. And two, we have a unified vision of what should happen once we set the other costs aside for Burr Street work, this

is how much money there should be available, and then once we get the unit cost, we can develop the final number that says you shall construct *blank* linear feet, but give them the advantage of a good tight estimating process. **(Larry)** How can you pull out \$35K first? **(Jay)** You have to. The priority is to get Memorial Square done, not Route 30. **(Larry)** If you do that, how are you going to pay for the rest of it, if it turns out to be more? **(All, in unison)** You do less. **(Ann)** You do as many linear feet as you can afford to have done, from plantings to curbing, everything. Just do as much as you can pay for. **Larry Marsh moves to extend the occupancy of the temporary permit of 90 days to July 30. Motion 2nd by Ann Wells. (Helen) Any further discussion? All those in favor of the Motion? Still voted, 5-0.**

IX. Maple Farms, Approval for a Letter of Credit Subject to the Revisions Requested by Town Council Acceptance and then the Release of Lots.

Larry Marsh moves to approve the letter of credit subject to the revisions requested by town council acceptance. 2nd by Tom Mahoney. All those in favor? Still voted, 4-0.

(Larry) They are asking us to release all the lots? Don't we normally hold something in reserve in case there is a problem? **(Jay)** I had recommended that in the past. **(Larry)** I can remember subdivisions that we don't do it on. What do we do if the subdivision houses aren't sold in a reasonable period of time and the infrastructure still has to go in? **(Jay)** That is why there is a condition that allows for inflation factor in the estimate of the Town Engineer. It's a \$314K performance guarantee. And if I recall in the decision, we had an escalation condition too where we could go back and revisit that bond amount. **(Larry)** Is there a reason not to withhold 1-2 lots? **(Jay)** It's entirely up to you. It's not something I disagree with, it's just a new territory and I feel uncomfortable without letting the applicant know about it. We could give the initial release and allow him to advocate or argue for the other two. I'll confirm that we added the escalation condition and not release the document until we know.

Larry Marsh moves to release the lots subject to Jay's confirmation. Motion 2nd by Tom Mahoney. All those in favor? Still voted, 4-0.

X. Bond reduction for Danforth Village

(Jay) This is a holdover. They are extending a letter of credit but we need to approve \$183K bond amount that was an estimate of November 2002. They've done additional work, so that is an Engineering estimate.

Tom Mahoney moves to approve the revised bond amount. Motion 2nd by Larry Marsh. Any further discussion? All those in favor? Still voted, 4-0.

Tom Mahoney moves to sign the plans for 88 Landon Avenue. Motion 2nd by Larry Marsh. All those in favor? Still voted, 4-0.

(Jay) I have 2 proposals: one from GPI and one from Beta re: 593 Review for CVS. My recommendation is GPI. I'm in favor of GPI because they are more familiar with the intersection and the issues involving it, so they have an edge here. Secondly, their price is a secondary issue, but it is lower. Beta is someone we really should give some strong consideration too for future projects. Their proposal was very strong. I would like to communicate to her that it was a very competitive proposal.

(Ann) So, GPI is going to review the effects of having an entrance only on Route 9?

(Jay) Correct.

Discussion on various administrative items. <end of tape>

Respectfully submitted,

Jennifer Adams
Recording Transcriptionist

**These minutes were approved as transcribed at the Framingham Planning Board meeting of November 30, 2003.*

Thomas F. Mahoney, Chairman